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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,290	01/13/2004	Ilonka Harezi	P00783-US-01 (20476.0001)	4481
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ICE MILLER LLP				
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ART UNIT			PAPER NUMBER	
3769				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,290

Examiner

Aaron Roane

Applicant(s)

HAREZI ET AL.

Art Unit

3769

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18, 20 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18, 20 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10, 13, 15, 17, 18, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S. Patent 5,896,004) in view of Young (U.S. Patent 4,337,414).

Regarding claims 20 and 24, Feldman et al. disclose a bulb comprising a shell (D) enclosing a hollow interior; a tube (Lamp A) having a first open end (22) and a second open end (24) and a continuous pathway communicating between said first open end and said second open end, said tube intersecting with said shell such that said first open end and said second open end reside outside said shell and a portion of said tube between said first open end and said second open end resides within said shell, each said intersection of said tube and said shell being accomplished such that any contents of said hollow interior of said shell are sealed within said shell and any contents of said hollow interior of said shell are segregated from any contents of said portion of said tube residing within said

shell; and at least one electrode (a first of 36) having at least one end terminating inside said shell, see col. 3, line 27 through col. 5, line 12 and figures 1-2. It should be further noted that the portion of the tubing residing within the shell encloses flowing current. Feldman et al. fail to disclose a source of electromagnetic waves in the form of a coil. Young discloses a lamp device and teaches providing the lamp with a bucking coil (58) in order to generate "a voltage across the lamp Lb which is greater than the input or supply voltage and thus reliably starts the lamp despite its long arc length. This type of ballast arrangement is very compact in size, light in weight and has excellent operating efficiency and is thus well suited for use in the compact fluorescent lamp units of the present invention where such characteristics are of prime importance," see col. 8, line 50 through col. 10, line 14 particularly col. 9, lines 13-31 and figures 5 and 6. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the invention of Feldman et al., as taught by Young, to provide the lamp with a bucking coil in order to generate "a voltage across the lamp Lb which is greater than the input or supply voltage and thus reliably starts the lamp despite its long arc length. This type of ballast arrangement is very compact in size, light in weight and has excellent operating efficiency and is thus well suited for use in the compact fluorescent lamp units of the present invention where such characteristics are of prime importance."

Regarding claims 6-10, Feldman et al. disclose the claimed invention, see col. 3, lines 27-57.

Regarding claim 13, Feldman et al. disclose the portion of said tube residing within said shell encloses a flowing substance, see col. 3, line 27 through col. 5, line 12 and figures 1-2.

Regarding claims 15, 17 and 18, Feldman et al. disclose the claimed invention, see col. 3, line 27 through col. 5, line 12 and figures 1-2.

Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S. Patent 5,896,004) in view of Young (U.S. Patent 4,337,414) as applied to claim 20 above, and further in view of Oga et al. (U.S. Patent 5,824,130).

Regarding claims 2, 4 and 5, Feldman et al. in view of Young disclose the claimed invention except for the portion of said tube residing within said shell is configured as a spiral comprising a plurality of concentric turns, the spiral comprises three or more concentric turns and/or the spiral comprises a prime number of concentric turns. Oga et al. disclose a bulb comprising a shell (100) enclosing a hollow interior and an inner tube (1) inside the hollow interior and teach providing the tube with a spiral shape having three turns in order to enhance filling and light generation, see col. 1, lines 46-53, col.5-7 and figures 1-7. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the invention of Feldman et al. in view of Young, as taught by Oga et al., to provide the tube with a spiral shape having three turns in order to enhance filling and light generation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S.

Patent 5,896,004) in view of Young (U.S. Patent 4,337,414) in further view of Oga et al.

(U.S. Patent 5,824,130) as applied to claim 2 above, and still further in view of Soules et al.

(U.S. Patent 5,680,005).

Regarding claim 3, Feldman et al. in view of Young in further view of Oga et al. disclose the claimed invention except for each successive concentric turn of the plurality of concentric turns decreases in diameter. Soules et al. disclose a bulb (A) having a tube (B) bulb with a gas filled and teach providing the with a helix/spiral configuration with decreasing diameter "in order to maximize the length of discharge tubing for a given height," see abstract and figures 1 and 2. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the invention of Feldman et al. in view of Young in further view of Oga et al., as taught by Soules, to provide the bulb with tube having a helix/spiral configuration with decreasing diameter "in order to maximize the length of discharge tubing for a given height."

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al.

(U.S. Patent 5,896,004) in view of Young (U.S. Patent 4,337,414) as applied to claim 7

above, and further in view of Okubo (U.S. Patent 5,617,659).

Regarding claims 11 and 12, Feldman et al. in view of Young disclose the claimed invention except for the noble gas comprises neon and/or helium. Okubo discloses a

discharge bulb 18 and teaches the alternate/equivalence of neon, helium and argon as a discharge gas, see col. 6, lines 54-60. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the invention of Feldman et al. in view of Young, as taught by Okubo, to use neon and/or helium inside the discharge tube as an alternative to argon.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S. Patent 5,896,004) in view of Young (U.S. Patent 4,337,414) as applied to claim 13 above, and further in view of Lapatovich et al. (U.S. Patent 6,696,788).

Regarding claim 14, Feldman et al. in view of Young disclose the claimed invention except for the hollow interior of said shell outside said tube contains a gaseous matter, and wherein said flowing substance does not intermingle with said gaseous matter. Lapatovich et al. disclose and double jacket bulb (10) having an exterior shell (16) and an interior discharge tube/jacket (12) and electrodes 30 and 32 and teach providing a gas (22) in the outer shell (16) such that when activated by heat and radiation from inner tube, when the lamp is operating, converts radiation, from one wavelength to another, see col. 2, line 60 through col. 3, line 49 and figures 1-7. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the invention of Feldman et al. in view of Young, as taught by Lapatovich et al., to provide a gas in the outer shell such that when activated by heat and radiation from inner tube, when the lamp is operating, converts radiation, from one wavelength to another.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S.

Patent 5,896,004) in view of Young (U.S. Patent 4,337,414) as applied to claim 15 above.

Regarding claim 16, Feldman et al. in view of Young disclose the claimed invention except for the ozone. Applicant discloses various gaseous substances within the tube, see claims 8-12. Additionally, Applicant discloses on page 15, lines 3-5 “the material flowing through vortex tube 23 comprises ozone, but the material does not necessarily have to be ozone or a gas.” Therefore, by Applicant’s own admission, ozone is not seen as distinct over any of the other claimed gases.

Response to Arguments

Applicant's arguments filed 11/10/2008 have been fully considered but they are not persuasive. The examiner will address each argument/remark in turn.

Argument A:

On page 10, 1st full paragraph, Applicant summarizes the teaching of Young applied to or combined with the device disclosed in the Feldman et al. patent. First, Applicant states the “Examiner is equating the inductor 58 of Young with the signal source as recited in Applicants' Claims 20 and 24. Even if it were assumed the inductor of Young may be described as the signal source of the present claims (which it should not be), Young clearly discloses using an inductor

and capacitor together, namely as a ballast.” As is well known in electromagnetism, an electrical current running through an inductor generates a magnetic field and therefore the inductor (i.e. bucking coil) in the present combination as taught by Young is a source of electromagnetic waves. Next, as the transitional phrase of the presently claimed invention is “comprising” which the Office views as open-ended and equivalent with “including” and/or “containing at least,” the combination at least discloses a bucking coil (i.e. the inductor) that is a source of electromagnetic waves. Additionally, since the motivation/rationale statement provided for the teaching of Young in the above rejections explicitly recite the ballast, comprising the inductor and capacitor, it is incorrect for Applicant to assume the teaching applies only to the inductor and not the ballast (which includes an inductor and capacitor, as noted by Applicant). However, the presently claimed invention recites a bucking coil or source of electromagnetic waves, which is clearly met by the Young teaching (in combination with Feldman et al.).

Argument B:

As the arguments/remarks of part B (see pages 11-12) rely on the same arguments/remarks made and rebutted in part A, the examiner directs Applicant to the rebuttal given above in part A.

Argument C:

As the arguments/remarks of part C (see pages 12-13) rely on the same arguments/remarks made and rebutted in part A, the examiner directs Applicant to the rebuttal given above in part A.

Argument D:

As the arguments/remarks of part D (see pages 13-14) rely on the same arguments/remarks made and rebutted in part A, the examiner directs Applicant to the rebuttal given above in part A.

Argument E:

As the arguments/remarks of part E (see pages 15-16) rely on the same arguments/remarks made and rebutted in part A, the examiner directs Applicant to the rebuttal given above in part A.

Argument F:

As the arguments/remarks of part F (see page 16) rely on the same arguments/remarks made and rebutted in part A, the examiner directs Applicant to the rebuttal given above in part A.

There is essentially one distinct argument/remark made in Applicant's reply of 11/10/2008, and that is presented on page 10 of the reply and rebutted above.

The rejections are maintained and this action is made FINAL.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Roane whose telephone number is (571) 272-4771. The examiner can normally be reached on Monday-Thursday 8:30AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Johnson can be reached on (571) 272-4768. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Roane/
Examiner, Art Unit 3769

/Henry M. Johnson, III/
Supervisory Patent Examiner, Art Unit
3769